

REMARKS

The foregoing amendment cancels claim 37, amends claims 1, 19 and 56 and adds new claims 58 and 59. Claims 1-36, 38-40 and 56-59 of which claims 1, 19, 56, 58 and 59 are independent, are now pending in the application. The following comments address all stated grounds for rejection and place the presently pending claims, as identified above, in condition for allowance.

Claims 1, 19 and 56 are amended to recite the patentable subject matter of claim 37, namely, that the housing of the access device has a generally oval cross-section.

New independent claim 58 is directed to the patentable subject matter of claim 22.

New independent claim 59 is directed to the patentable subject matter of claim 27. *No new matter is added.*

Amendment and/or cancellation of the claims is not to be construed as an acquiescence to any of the objections/rejections set forth in the instant Office Action, and was done solely to expedite prosecution of the application. Applicant reserves the right to pursue the claims as originally filed, or similar claims, in this or one or more subsequent patent applications.

Claim Rejections Under 35 USC § 102

In the Office Action, the Examiner maintains and makes final the rejection of claims 1-4, 6-9, 11, 13-21, 23-26, 30-32, 34, 36 and 38-40 under 35 U.S.C. § 102(e) as being anticipated by Kawamura (6,524,273). Applicants have amended independent claims 1 and 19 to recite the patentable subject matter of claim 37, which places the claims in condition for allowance. The oval cross-section of the claimed housing may facilitate proper alignment of a cartridge insert inserted into the housing, without sacrificing ease of cartridge insert exchange. As recognized by the Examiner, the cited references fail to disclose an access device having a generally oval cross-section. Therefore, Applicants request that the rejection of claims 1-4, 6-9, 11, 13-21, 23-26, 30-32, 34, 36 and 38-40 under 35 U.S.C. § 102(e) be reconsidered and withdrawn.

Claim Rejections Under 35 USC § 103

The Examiner also maintains and makes final the rejection of claims 10, 33, 56 and 57 under 35 U.S.C. §103(a) as being unpatentable over Kawamura, and claims 12 and 29 as under 35 U.S.C. §103(a) as being unpatentable over Kawamura in view of Santerre. In view of the amendment to independent claims 1 and 19, dependent claims 10, 12, 29 and 33 are also now in condition for allowance.

In addition, independent claim 56 has been amended to recite that the hollow tubular platform housing of the claimed body fluid cartridge exchange platform device has a generally oval cross-section, which the Examiner considers to be patentable. Therefore claims 56 and 57 are also in immediate condition for allowance.

New Claims

New independent claim 58 is directed to the patentable subject matter of claim 22, rewritten in independent form to include all limitations of base claim 19 and intervening claims 20 and 21. As recognized by the Examiner, the cited references fail to disclose an access device including first and second legs having passages in communication with ports in a wall of the housing, where the first leg extends in a staggered and divergent manner from the second extending leg along the wall of the housing. Therefore, claim 58 is also in immediate condition for allowance.

New independent claim 59 is directed to the patentable subject matter of claim 27, rewritten in independent form to include all limitations of base claim 19 and intervening claims 20-21, 23-24 and 26. As recognized by the Examiner, the cited references fail to disclose an access device including a channel within a cartridge that completes a flow path between a first passage and a second passage formed in legs of a housing in which the cartridge is inserted and forming a first channel port and a second channel port at opposite ends of the channel within the cartridge, wherein a distance between the first channel port and a first end of the cartridge is greater than a diameter of the first channel port, as recited in claim 59. Therefore, claim 59 is also in immediate condition for allowance.

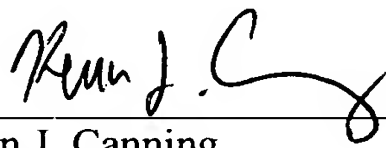
CONCLUSION

In view of the above amendment, applicant believes the pending application is in condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue. If, however, the Examiner considers that obstacles to allowance of these claims persist, we invite a telephone call to Applicant's representative at the telephone number listed below.

Applicants have authorized the excess claim fee of \$100.00 to be charged to our Deposit Account No. 12-0080, under Order No. ATA-333RCE, from which the undersigned is authorized to draw. If any additional fee is due, please also charge our Deposit Account No. 12-0080 under Order No. ATA-333RCE.

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Respectfully submitted,

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